IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3005 of 1994

Between:

A. Khan S/o Abdul Hameed Khan
R/o 8-2-602, Road No.10, Banjara Hills, Charan Pahadi Hyderabad.

..... PETITIONER

AND

1 The Chief General Manager, Hindustan Cables Ltd. (Govt. of India Undertaking) Moulali, Hyderabad.
2 The Managing Director, Hindustan Cables Ltd., Moulali, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the order of the second Respondent vide No.CORP/PERS/44/94/316 Dated 15th January, 1994 by confirming the order of the1st Respondent vide Ref.No.HD/PP-2276 Dt. 18.3.1991 as illegal, arbitrary and violates the principles of natural justice and consequently direct the respondents to reinstate the petitioner with all consequential benefits.

Counsel for the Petitioner: MR.K.VINAYA KUMAR

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR Central Government)

The Court Made the Following:

–

–

–

ORAL ORDER:

Heard both sides.

2. The Petitioner challenges the proceedings of the 2nd respondent, dated 15-01-1994, confirming the order of the 1st respondent, dated 18-03-1991.

3. The petitioner was working as a watchman. A charge sheet was issued to the petitioner for certain irregularities and an enquiry was conducted and as he was found guilty, he was eventually removed from service. Challenging the said order of removal, an appeal had been preferred before the 2nd respondent. Ultimately, when no orders are passed by the 2nd respondent, the petitioner filed a writ petition and upon the directions issued by this Court in W.P.No.18843 of 1993, dated 16-12-1993, the said appeal had been disposed of by the 2nd respondent by order, dated 15-01-1994, confirming the orders passed by the 1st respondent.

It is to be seen that the departmental enquiry was conducted and the petitioner was found guilty and the appointing authority basing on the enquiry officer's report removed the petitioner from service. This appeal had been preferred challenging the orders of the 1st respondent and the appellate authority after discussing the entire evidence on record confirmed the orders of removal passed by the 1st respondent. These are all questions of fact, which had already been gone into by two different authorities. This Court while exercising its jurisdiction under Article 226 of the Constitution of India

cannot reappraise the whole evidence on record for coming to a different conclusion.

For the foregoing reasons, the writ petition is devoid of merits and is liable to be dismissed.

In the result, the writ petition is dismissed. However, there shall be no order as to costs.

_____

D.S.R.VARMA, J

25-06-2004.

mjl/*

To

1 The Chief General Manager, Hindustan Cables Ltd. (Govt. of India Undertaking) Moulali, Hyderabad.
2 The Managing Director, Hindustan Cables Ltd., Moulali, Hyderabad.

3. 2 CD copies.